PROVISIONAL
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CERD/C/SR.1023/Add.1
10 March 1994

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fourth session

PROVISIONAL SUMMARY RECORD OF THE SECOND PART (PUBLIC)*
OF THE 1023rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 March 1994, at 5.15 p.m.

Chairman: Mr. GARVALOV

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* The summary record of the first part (closed) of the meeting appears as document CERD/C/SR.1023.

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GE.94-15741 (E)

The public meeting was called to order at 5.15 p.m.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION (agenda item 6) (continued)

Revised draft narrative general recommendations (CERD/C/44/Misc.1)

1. Mr. BANTON, introducing the informal working paper containing revised draft narrative general recommendations (CERD/C/44/Misc.1), said that the aim was, first, to help States in the reporting process and, secondly, to help the members of the Committee by reducing areas of potential dispute over particular articles of the Convention. Article 5, for instance, was one that gave rise to problems. There had been discussions the previous week on the subject of religion and on the subject of the position of women which had, in his view, gone beyond the bounds of the obligations of States parties under article 5. Once a general recommendation on that article had been agreed, it would be easier to avoid differences of opinion in the Committee.

2. To multiply the number of general recommendations might lead to confusion and he had therefore followed Mr. van Boven's earlier suggestion that the recommendations should be set out in the same sequence as the articles of the Convention. The wording of the introductory part of the text was based on that used in the introduction to the general recommendations of other treaty bodies. He pointed out that some recommendations had already been adopted in 1993. Those on which no decision had yet been taken had been placed in square brackets. He recalled that, in 1993, he had asked the members of the Committee to look through the draft general recommendations and to make suggestions for possible revisions. A few had done so and most of the suggested changes had already been incorporated in the text. The exception was paragraph 3 of the recommendation relating to article 3, which had been challenged by one member of the Committee and on which a decision would have to be taken.

3. Since members had already had an opportunity to express their views, he would find it somewhat discouraging if objections were to be raised at the present stage, unless of course new developments had given rise to difficulties in the meantime. He suggested that the Committee might consider the document page by page and that note should be taken of any points which caused problems so that they could be solved by informal discussions before the Committee's next session.

4. Mr. FERRERO COSTA said that he was not entirely clear about the procedure being proposed. Was it intended to discuss only those recommendations on which agreement had not yet been reached or was the Committee also being asked to revise those which had already been approved? In any event, if the Committee was to go through the document page by page, he would suggest that the question should be deferred until the following day, since it would not be possible to discuss and approve all the texts concerned in the short time available.

5. The CHAIRMAN said it was his understanding that the Committee was being asked to consider only the new texts, not those which had already been approved. The intention was not to adopt any of the recommendations at such a late hour.

6. Mr. WOLFRUM suggested that the Committee might at least decide that all the recommendations not within square brackets had been satisfactorily redrafted; they would then not need to be taken up again at a later stage.

7. The CHAIRMAN said it was his impression that the recommendations relating to article 1, paragraphs 1, 2 and 3, had been adopted in 1993.

8. Mr. de GOUTTES proposed that, in the French text of paragraph 1 of the recommendation relating to article 1, paragraph 1, the phrase "s'il a pour objet ou pour effet" should be amended to read "s'il a pour but ou pour effet" to bring it into line with the wording used in the Convention.

9. Mr. WOLFRUM said he was somewhat confused. If article 1, paragraph 1, had already been adopted, why was it being brought up again?

10. Mr. BANTON drew attention to chapter VIII of the Committee's report to the General Assembly (A/48/18), entitled "Decisions and general recommendations adopted by the Committee at its forty-second session". The text of the recommendation relating to article 1, paragraph 1, that had been adopted at that session was contained in General Recommendation XIV (42).

11. The CHAIRMAN said it should nevertheless be possible to take account of the point raised by Mr. de Gouttes as far as the French text was concerned.

12. Mr. DIACONU, referring to the draft recommendation relating to article 2, paragraph 1, said he had no objections to the text of paragraph 1 as far as the substance was concerned, but found the wording of the last part of the sentence unnecessarily complicated. He suggested that it should read: "... without giving a coherent picture of their policy for eliminating racial discrimination in all its forms and for promoting understanding among all races, as well as the measures for implementing that policy".

13. With regard to paragraph 2, he had some doubts as to whether States should be asked to identify criteria against which the adequacy of their policies could be assessed. It might be preferable simply to ask what action had been taken by States to ensure that their policies were actually being implemented.

14. The wording of paragraph 3 was also unnecessarily complicated. It would be simpler to say: "When defining its policy, a State should incorporate both a domestic component and a more general one concerning the building of an international community free from all forms of racial segregation and racial discrimination". The third sentence, which was unclear, should be amended to read: "States should be asked to give as detailed information as possible on their policies of national integration and, above all, should ensure that such

policies did not contain any elements which might be harmful to the identity of any particular group". The sentence should be placed elsewhere in the text.

15. The wording of the first sentence of paragraph 5 implied that cases of discrimination would inevitably occur in all States. A better wording would be "... whereby those responsible can assess the effects of their policy in the main fields of public life". He considered that the second sentence, on the role of the press was unnecessary and should be deleted, while the last sentence on the promotion of independent research should be placed elsewhere.

16. The CHAIRMAN said that consideration of the draft general recommendations would be continued the following day.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 8) (continued)

17. The CHAIRMAN drew attention to a draft decision concerning a request to the Government of Israel for information on the recent massacre of Palestinians in a mosque in Hebron, which read:

> "1. The Committee expresses its shock over the appalling massacre committed by Israeli settlers against Palestinian worshippers in the Abraham Mosque in Hebron on 25 February 1994.
>
> 2. In accordance with article 9, paragraph 1 (b), of the International Convention on the Elimination of All Forms of Racial Discrimination and with reference, in particular, to article 5 (b) of the Convention, the Committee requests the Government of Israel to send it an urgent report no later than 30 June 1994 on measures taken to guarantee the safety and protection of the Palestinian civilians in the occupied Palestinian territory and to bring to an end the illegal action of Israeli settlers and to disarm them."

18. The draft decision was adopted.

19. The CHAIRMAN, replying to a question by Mr. DIACONU, said that, if the Committee had received the information requested by 30 June 1994, it would discuss the question at its August session, regardless of whether it had received the next periodic report of Israel.

The meeting rose at 5.55 p.m.